FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.246 OF 2004 IN F.C.A.NO.97 OF 2004.

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Ms. K. Kalra holding for Ms. Manjula Rao for the Applicant.

Mr. S.G.Godbole for the Respondent.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.
DATED : 14/12/2004.

P.C.

1. Heard Ms. Kalra for the applicant. Mr. Godbole appears for the respondent. This application is made in pursuance of the order passed by the Division Bench on F.C.A. (St.) No.19113/2004 on 19.7.2004. Under that order the father-respondent is permitted to have access during the vacation. The mother is in Nairobi and father is in India and therefore, certain arrangement in respect of the travel was made under that order. The applicant prays that the mother having deposited the tickets of the children, she may be permitted to replace them with zerox copies. The tickets bought have already expired and she has bought new tickets for the children to travel from Nairobi to Mumbai and return. Ms. Karla states that the tickets are booked for 25.12.2004 from Nairobi to Mumbai and the return tickets are booked for 11.1.2005. Mr. Godbole appears for the respondent-father states that he intends to visit Nairobi on 22.12.2004 and he wants to spend his time during these four days in Nairobi with his children. Ms. Kalra states that the mother will have no objection for the father to come over to her residence at Nairobi. He may visit her residence at 8.00 a.m. and take the children with him and bring them back by 4.00 p.m.

2. Ms. Karla states that the parents of the mother are also flying from Mumbai to Nairobi on the same flight. This being the position, they may retain the children's pass ports with them and the responsibility in that behalf will be theirs. In the circumstances, we direct the Registrar General to return the tickets deposited in the High Court to the Advocate on record for the applicant-mother. She need not replace those tickets as stated earlier. Ms. Karla states that tickets will be handed over to the respondent-father in Nairobi. Since the parents of the applicant are flying with the children as stated earlier they will carry pass ports of the children with them and if permissible they will make proper arrangement with the air lines to retain the said pass ports for the return journey of the children. In the event that is not possible, the parents of the applicant mother will hand ever the pass ports to the respondent father when in Mumbai so as to facilitate their return journey.

3. Ms. Karla states that it is equally possible that applicant mother may come down in India during this vacation. If that is so, she should inform the respondent-father immediately and in that case, she will retain the pass ports of the children with her and need not hand over the respondent father. Civil application is accordingly disposed of.

4. All concerned to act on a copy of this order duly authenticated by the Sheristedar/C.S. of this court.

(R.S.MOHITE, J.) **(H.L.GOKHALE,J.)**